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IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
13924833

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MICHAEL BROWN,)
)
Plaintiff,)
)
Vs.) 2021L006829
) No.
LYFT INC., a Delaware Corporation,)
)
Defendant.)

FIRST AMENDED COMPLAINT

COUNT I

Now comes the Plaintiff, MICHAEL BROWN, by and through his attorneys, LAW OFFICE OF HOWARD S. ABRAMS LLC., and complains of the Defendant, LYFT INC., as follows:

1. That at all times herein mentioned the Defendant, LYFT INC., was a corporation licensed to do business under the laws of the State of Illinois.
2. That at all times herein mentioned the Defendant, LYFT INC., manufactured and distributed motorized scooters.
3. That at all times herein mentioned the Defendant, LYFT INC., owed a duty to the Plaintiff to exercise reasonable care to design, test, manufacture, and distribute electric scooters that was suitable for its intended usage.
4. That the Defendant, LYFT INC., knew or should have known that the electric scooters were not reasonably safe as designed, manufactured, tested, marketed and sold in that the electric

Exhibit A

scooter accelerated on its own and the handlebars to shake and jerk which caused the Plaintiff to fall.

5. That at all times herein mentioned the Defendant, LYFT INC., individually and through its agents and employees, was negligent in one or more of the following ways:

- a. Carelessly and negligently designed, manufactured, sold and distributed electric scooters;
- b. Carelessly and negligently failed to properly test the electric scooters it distributed;
- c. Failed to warn the Plaintiff that the electric scooters could accelerate on their own;

6. That on July 13, 2019, the Plaintiff, MICHAEL BROWN, was using an electric scooter in accordance with the instructions provided by the Defendant LYFT INC.

7. That on July 13, 2019, while properly using the electric scooter it accelerated on its own and caused the handlebars to shake which caused the Plaintiff to fall.

8. That as a direct and proximate result thereof the Plaintiff, MICHAEL BROWN, was injured in his head, body and limbs, both internally and externally and he suffered bodily pain and injury from then until now and will continue so to suffer in the future; that he has expended and will in the future be compelled to expend large sums of money in endeavoring to be cured of his said injuries; that he has lost and will in the future lose large sums of money by reason of being unable to follow his usual occupation as a result of said injuries.

WHEREFORE, Plaintiff, MICHAEL BROWN, prays this Honorable court for Judgment against the Defendant, LYFT INC., in such sum of money in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS, which shall constitute fair and reasonable compensation for Plaintiff's injuries.

COUNT II - STRICT LIABILITY
LYFT INC.

Now comes the Plaintiff, MICHAEL BROWN, by and through his attorneys, LAW OFFICE OF HOWARD S. ABRAMS LLC., and complains of the Defendant, LYFT INC., as follows:

1. That at all times herein mentioned the Defendant, LYFT INC., was a corporation licensed to do business under the laws of the State of Illinois.
2. That at all times herein mentioned the Defendant, LYFT INC., manufactured and distributed electric scooters.
3. That the Plaintiff never knew and never should have known of the defective and unreasonably dangerous condition of the aforesaid electric scooter.
4. That the Defendant withheld and concealed from the purchaser and intended user that the electric scooters was unsafe to use.
5. That by the conduct of the Defendant, LYFT INC., in not disclosing the defects the user was not informed that the electric scooter was defective as designed and manufactured, which was causally related to the injuries sustained by the Plaintiff.
6. That at the time the electric scooter accelerated on its own it was in the same condition as when it was manufactured and released.
7. That at the time the electric scooters left the control of the Defendant, LYFT INC., it was in a reasonably dangerous condition in one or more of the following respects.
 - a. The electric scooter did not function as advertised, to-wit: the electric scooter accelerated on its own during intended usage;

- b. The electric scooter did not operate for the use it was intended.
8. That on July 13, 2019, the Plaintiff, MICHAEL BROWN, was using an electric scooter in accordance with the instructions.
8. That on July 13, 2019, while using the electric scooter it accelerated on its own and caused the handlebars to shake which caused the Plaintiff to fall.
9. That as a direct and proximate result thereof the Plaintiff, MICHAEL BROWN, was injured in his head, body and limbs, both internally and externally and he suffered bodily pain and injury from then until now and will continue so to suffer in the future; that he has expended and will in the future be compelled to expend large sums of money in endeavoring to be cured of his said injuries; that he has lost and will in the future lose large sums of money by reason of being unable to follow his usual occupation as a result of said injuries.

WHEREFORE, Plaintiff, MICHAEL BROWN, prays this Honorable court for Judgment against the Defendant, LYFT INC., in such sum of money in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS, which shall constitute fair and reasonable compensation for Plaintiff's injuries.

COUNT III - BREACH OF IMPLIED WARRANTY
LYFT INC.

Now comes the Plaintiff, MICHAEL BROWN, by and through his attorneys, LAW OFFICE OF HOWARD S. ABRAMS LLC., and complains of the Defendant, LYFT INC., as follows:

1. That at all times herein mentioned the Defendant, LYFT INC., was a corporation licensed to do business under the laws of the State of Illinois.

2. That at all times herein mentioned the Defendant, LYFT INC., manufactured and distributed electric scooters.
3. That the Plaintiff never knew and never should have known of the defective and unreasonably dangerous condition of the aforesaid electric scooter.
4. That at all times herein mentioned the Defendant owed the Plaintiff a duty to exercise reasonable care to design, test, manufacture and sell the electric scooters so that it was safe and suitable for its intended usage.
5. That the Defendant, LYFT INC., knew or should have known that the aforesaid electric scooter was not reasonably safe as designed, manufactured, tested, marketed and sold in that it accelerated on its own while being used for its intended purpose.
6. That the Defendant, LYFT INC., knew the ordinary purpose for which the electric scooters would be used and the Plaintiff, MICHAEL BROWN, relied upon the skill and judgment of the Defendant in manufacturing the aforesaid electric scooter.
7. That the Defendant, LYFT INC., warranted by implication at the time of sale that the aforesaid electric scooter would be reasonably fit, sufficient and of merchantable quality for its intended purpose.
8. That the Defendant, LYFT INC., breached its implied warranty by its selection and manufacture of an electric scooters that was unfit and unsuitable for its original purpose for which it was intended.
9. That the unfitness of the electric scooters existed at the time of its usage by the Plaintiff and continued until the time he was injured on July 13, 2019.

10. That on July 13, 2019, the Plaintiff, MICHAEL BROWN, was using an electric scooter in accordance with the instructions.

11. That on July 13, 2019, while properly using the electric scooter it accelerated on its own and caused the handlebars to shake which caused the Plaintiff to fall.

12. That as a direct and proximate result thereof the Plaintiff, MICHAEL BROWN, was injured in his head, body and limbs, both internally and externally and he suffered bodily pain and injury from then until now and will continue so to suffer in the future; that he has expended and will in the future be compelled to expend large sums of money in endeavoring to be cured of his said injuries; that he has lost and will in the future lose large sums of money by reason of being unable to follow his usual occupation as a result of said injuries.

WHEREFORE, Plaintiff, MICHAEL BROWN, prays this Honorable court for Judgment against the Defendant, LYFT INC., in such sum of money in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS, which shall constitute fair and reasonable compensation for Plaintiff's injuries.

By: /s Howard S. Abrams
Attorney for Plaintiff

Attorney Code: 60046
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

MICHAEL BROWN,)
)
Plaintiff,)
)
Vs.) No. 2021L006829
)
LYFT INC., a Delaware Corporation)
)
Defendant.)

AFFIDAVIT

The undersigned, one of the Attorneys for the Plaintiffs herein, states that this is a civil action seeking money damages in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes that same to be true.

By: /s Howard S. Abrams
Attorney for Plaintiff

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howard@howardabramslaw.com

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MICHAEL BROWN,

Plaintiff,

v.

LYFT, INC. a Delaware Corporation.

Defendant.

Case Number:

DECLARATION OF ATTORNEY JAMES F. MARUNA

I, James F. Maruna, declare that I have personal knowledge of the facts set forth herein, that I am competent to testify, and that if called to testify, would state as follows:

1. I am one of the attorneys of record for Defendant Lyft, Inc.
2. Because Plaintiff's Complaint at Law filed in Cook County Circuit Court does not state Plaintiff's citizenship, I contacted Plaintiff's counsel via phone and spoke with counsel on August 30, 2021 and August 31, 2021 to discuss Plaintiff's citizenship and secure information on the claimed damages in order to assess the amount in controversy.
3. Counsel confirmed that Plaintiff is an Illinois citizen.
4. As to damages, Plaintiff estimated the medical bills are around \$20,000 based on what is received and outstanding, with ER treatment and follow up with a pain management physician. Additionally, Plaintiff claims scarring, loss of use of the ankle, and past and future lost wages and reduced earning capacity in his career as a trainer and boxer.
5. Finally, defense counsel advised that in his estimate there is more than \$75,000 in controversy, but if Plaintiff would sign an affidavit that he would never seek more than \$75,000 in this lawsuit then Defendant would not, and could not, remove this matter to Federal Court. Plaintiff advised that he could not agree to sign an affidavit or other document limiting his recovery in this litigation to \$75,000 or less.

Exhibit B

6. Further declarant sayeth not.

I, James F. Maruna, declare under penalty of perjury that the foregoing is true and correct.

Executed on this 31st day of August, 2021

s/James F. Maruna

James F. Maruna

9948680 JMARUNA;JMARUNA



Office of the Secretary of State Jesse White
ilsos.gov

Corporation/LLC Search/Certificate of Good Standing

Corporation File Detail Report

File Number	69753604
Entity Name	LYFT, INC.
Foreign Assumed Name	LYFT ILLINOIS, INC.
Status	ACTIVE

Entity Information	
Entity Type	CORPORATION
Type of Corp	FOREIGN BCA
Qualification Date (Foreign)	Thursday, 16 October 2014
State	DELAWARE
Duration Date	PERPETUAL

Agent Information	Exhibit C

Name

C T CORPORATION SYSTEM

Address

208 SO LASALLE ST, SUITE 814
CHICAGO , IL 60604

Change Date

Wednesday, 20 September 2017

Annual Report

Filing Date

00/00/0000

For Year

2021

Officers

President

Name & Address

JOHN ZIMMER 185 BERRY ST STE 5000 SAN FRANCISCO CA 94107

Secretary

Name & Address

KRISTIN SVERCHEK 185 BERRY ST #5000 SAN FRANCISCO CA 94107

[Return to Search](#)

[**File Annual Report**](#)

[**Adopting Assumed Name**](#)

[**Change of Registered Agent and/or Registered Office**](#)

(One Certificate per Transaction)